

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 3, 2006, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, April 19 and April 26, 2006 Worksessions.

Action: Approved as amended, (DLB/WMH, 5-0).

2. **A-6138, Appeal of Amanda David** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 403768). Letter from the appellant withdrawing the appeal.

Action: Dismissed the appeal as withdrawn, (AMC/CLH, 5-0).

3. **S-326, Petition of Stephen R. Fred, D.D.S.** (non-resident medical practitioner). Letter to the Board from the petitioner regarding the parking.

Action: Reopened the record to include Dr. Fred's letter, (DLB/CLH, 5-0). Staff to contact the petitioner concerning what action is wanted from his correspondence, consensus.

4. **S-610-A [S-610, S-610-B], Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Erica Leatham, Esquire, submitting an as-built site plan. (Large exhibit: site layout plan).

Action: Re-opened the record to include Ms. Leatham's letter with attachments, (CLH/AMC, 4-0/AIF/recused).

5. **S-822, Petition of Kathryn M. Winther** (child day care facility). Memorandum to the Board from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is letter of confirmation from Jack Berg, Asset Manager, Housing Opportunities Commission.

Action: Revoked the special exception as abandoned, (DLB/WMH, 5-0).

6. **S-1381, Petition of Haek Jae Yun t/a Lunchtime** (retail establishment in an office building). Letter to the Board from Sunwoo Nam, Esquire, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (CLH/WMH, 5-0).

7. **S-1507, Petition of D. Scott and John R. Forester t/a The J. R. Austin Company** (non-resident professional office). Memorandum to the Board from Heather Gottke, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from Margaret Rouse of Trawick & Associates.

Action: Revoked the special exception as abandoned, (AMC/WMH, 5-0).

8. **S-1676, Petition of Christopher Kennedy** (non-resident medical practitioner). Letters to the Board from William Chen, Esquire, requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (WMH/CLH, 5-0).

9. **S-2444, Petition of Daniel and Patricia Juster** (accessory apartment). Letter to the Board from Andrew T. Lehfeldt requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (AMC/WMH, 5-0).

10. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing.

Action: Items deferred until the Board's 5/10/06 Worksession, consensus.

11. **S-2636, Petition of Fall Creek, LLC** (landscape contractor). Letter to the Board from Anne Martin, Esquire, requesting an administrative modification. (Large exhibits: north, south, east, west elevations dated 2/2/06; special exception site plan/modified, dated 3/23/06; east elevation; west elevation; north elevation, main building office, Allnut House; south elevation, main building office, Allnut House; north, south, west elevations; east elevation.

Action: (1) Re-opened the record to include the Planning Board's Preliminary Plan of Subdivision and the Historic Area Work Permit; (2) granted the administrative modification, (CLH/WMH, 5-0).

12. **S-2663, Petition of Persia Terrero** (accessory apartment). Memorandum from Françoise Carrier, Director, Office of Zoning and Administrative Hearings, returning the record and notifying the Board that the application as been withdrawn.

Action: Dismissed the special exception as withdrawn, (DLB/WMH, 5-0).

DECISION ITEMS:

13. **A-6087, Appeal of Timothy D. Searchinger** (Historic Preservation Commission – Denial of Historic Area Work Permit, dated May 25, 2005). Included are letters from the appellant and Vickie Gaul, Associate County Attorney.

Action: (1) Granted the objection of the Associate County Attorney that the appellant's letter can not be received as part of the record, as the record closed on 3/8/06; (2) denied the administrative appeal, (DLB/WMH, 5-0).

DECISION ITEMS (continued):

14. **CBA-1495-A, Petition of Old Farm Swim Club, Inc.** (community swimming pool). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception modification with conditions, (AMC/DLB, 5-0).

15. **S-2661, Petition of Michael J. and Norma L. Campero Zamba** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DLB/WMH, 5-0).

PENDING ITEMS:

16. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services. (1) Granted continuance of the appeal until 10/26/06; (2) Board to receive status report in 90 days. [W/S 4/19/06].

17. **CBA-1203, Petition of Mariner Health of Maryland, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: lighting and photometric plan, survey, site plan). Item deferred for additional information, information should include a schedule of the generator operations. [W/S 2/22/06].

18. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

19. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5/4/05].

20. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].

21. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7/13/05].

PENDING ITEMS (continued):

22. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].

23. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].

24. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letter to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification. Item deferred for additional information. [W/S 2/22/06].

25. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

26. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].

27. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer of the North Potomac Village Condominium Association. (1) Item deferred for future Worksession; (2) status report from Ms. Sears and Girard in 60 days. [W/S 3/22/06].

28. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [W/S 12/7/05].

29. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].

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